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TIMOTHY B. FLEMING  
OF COUNSEL

December 30, 2019

The Honorable George B. Daniels  
UNITED STATES DISTRICT JUDGE  
U.S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**VIA ECF and Federal Express Overnight Courier**

**Re: *Hoglan, et al. v. Iran, et al.*, 1:11-cv-07550 (GBD)(SN)  
*In Re Terrorist Attacks on September 11, 2001*, 1:03-md-01570 (GBD)(SN)  
Plaintiffs' Letter Motion to Direct Clerk of Court to Enter State Dept.  
Letters and Specific Authentication Certificates (Diplomatic Notes) on the  
Docket**

Dear Judge Daniels:

We write to move the Court regarding an important matter relating to service of the Final Judgment in *Hoglan, et al. v. Iran, et al.*, 1:11-cv-07550 (GBD)(SN), one of the cases in the above-referenced MDL. The reason for this request is to advance the judgment plaintiffs' interest in enforcing the *Hoglan* judgment rendered by this Court in foreign courts.

As provided in the Foreign Sovereign Immunities Act ("FSIA"), the United States Department of State assisted with diplomatic service of the Final Judgment and related documents. The State Department served, via the Foreign Ministry of the Swiss Confederation and the Swiss Embassy in Tehran, Iran, all sixteen judgment defendants, in two sets of eight defendants each, at a total cost of more than \$36,000 (another like amount was expended to obtain initial service of the complaint at the beginning of the case in 2011).

On November 28, 2018, and again on August 27, 2019, the State Department sent letters to the Clerk of Court for the Southern District of New York, along with "Specific Authentication Certificates" ("diplomatic notes") that detail the service process via the U.S. State Department and the Foreign Ministry of the Swiss Confederation. Copies of two State

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Department letters referencing this process are attached hereto. (Counsel for the *Hoglan* Plaintiffs was sent copies of these letters by the State Department without the attached diplomatic notes.)

**The *Hoglan* Plaintiffs request that you direct the Clerk of Court to enter onto the SDNY docket the two State Department letters and the Specific Authentication Certificates (diplomatic notes) that were attached to these letters.** Currently, there are docket entries describing the diplomatic service, but the letters and the Specific Authentication Certificates are not themselves entered on the SDNY docket. There are eight docket entries, dated December 7 and 11, 2018, on the *Hoglan* SDNY docket, and there are eight docket entries, dated September 6, 2019, on the corresponding MDL docket. (The *Hoglan* Docket entries are not numbered; the MDL Docket Nos. are 5100, 5113-5119.)

Attached in support of this Letter Motion is my Declaration in support of Plaintiffs' request to enter onto the SDNY docket the two State Department letters and the Specific Authentication Certificates (diplomatic notes) that accompanied them.

Counsel for the *Hoglan* Plaintiffs requested in a writing to the SDNY Clerk of Court that the Clerk enter the State Department letters and the Specific Authentication Certificates onto the docket on December 5, 2019, but has not received a response, and the entries have not been made. This Letter Motion follows.

Entering the actual State Department letters and the diplomatic notes themselves on the docket is extremely important. We already have underway substantial efforts to enforce and collect upon this judgment in foreign courts. Those foreign courts are likely to want to look at the actual documents received by the Court from the State Department, as entered on the docket, rather than unstamped copies of the letters without the Specific Authentication Certificates (diplomatic notes), or a description of same taken from the docket, before domesticating the judgment and determining the judgment's enforceability or allowing collection of such judgment in those countries. We need to demonstrate that this Court did in fact receive these specific documents from the State Department regarding this key step in the litigation of this case.

These service documents were quite expensive, and we would like for them to serve their full utility in advancing the interests of the *Hoglan* judgment holders.

A proposed form of order is filed herewith.

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Thank you very much for Your Honor's consideration of this request.

Sincerely,

A handwritten signature in black ink, reading "Timothy B. Fleming". The signature is written in a cursive, flowing style with a large, stylized "F" and "T".

Timothy B. Fleming

cc: Thomas E. Mellon, III, Esquire

TF/t3

Enclosures